

APPROVED: 3/19/15

**MINUTES OF THE
TOWN OF HIGHLANDS PLANNING BOARD
FEBRUARY 19, 2015**

A Regular meeting and Annual Reorganization meeting of the Town of Highlands Planning Board was held in the Town Hall, Highland Falls, New York, on Thursday, February 19, 2015, at 7:00 P. M.

THERE WERE PRESENT:

Board Members:

Erik Smith, Chairman
Cathy Kelly, Deputy Chairman
Terry Holt
John Hunter
Chris Dyroff

M. Justin Rider, Attorney, (Rider, Weiner & Frankel, P. C.)
Leslie J. Dotson, Town Planner (Garling Associates)

ALSO PRESENT: Daniel Yanosh, Ned Kopald, Esq., Nichole Bernicker, and Mark Lavinski.

At 7:00 P. M., the meeting was opened with the Pledge to the Flag.

At 7:02 P. M., a Public Hearing was opened.

320 West 254 Street, LLC Site Plan and Subdivision (Section 7, Block 1, Lot 1.1)

Mr. Yanosh provided the Board with the Affidavits of Mailing and Posting.

The Applicant's Design professional **Daniel Yanosh** reviewed the 101.39 acre parcel of land on Route 9W with two buildings. The front building is the car wash and oil change, and the other building is a vacant existing steel building. The back lot is Lot #2, .4 acres and Lot #1 in the front with the car wash and oil change is .99 acres. Access will be through a private road (280A) to the south of the property. Plans have been sent to DOT. They returned paperwork that needs to be filled out. The Planning Board is the Lead Agency in adopting the 280A. There will be no new buildings; everything is existing. They will be cutting the steel building off in the back.

PUBLIC COMMENT:

Ned, Kopald, Attorney for the contiguous property owner, Nichole Bernicker, and The Sea Partnership, which is the owner of the property to the south, and the owner of the Right-of-Way over which the Applicant is seeking to have his application favorably responded to.

His concerns included:

- Right-of-Way: Applicant has no authority for changes (paving or addition of another business).
- Number of vehicles and number of parking spaces.
- Sign attached to steel building indicating new business.
- Removal of sewer line from car wash to manhole in the Right-of-Way.
- Hookup into the main sewer line.
- The new Elgin System too close to The Sea Partnership line.
- Stream that goes through that Right-of-Way.
- No limitation to the number of cars that can be stored or placed.
- Issue of oil and other lubricants and waste.
- Removal of snow and ice and placement into the Right-of-Way.
- Lack of response to questions on the Environmental Impact Statement.
- On application the use is stated as storage.
- Warehouse, bathroom, septic tank and leach field based on number of employees.
- Hours of operation, lighting, number of parking spaces.
- Commitment from Applicant to maintain and cause no damage or removal of trees.
- Application questions concerning site being within 500 feet of a municipal boundary or state highway.
- On Environmental Assessment form question of contiguous forest or aquatic or residential property; increased traffic; new commercial entity; warehouse and storage not defined.
- Connection to existing water supply not identified. Proposed new well. Wetlands through Right-of-Way. There are State and Federal regulatory agencies involved.

The Chairman indicated to Mr. Kopald that he did not have unlimited time. Mr. Kopald conferred with his client.

Nichole Bernicker, 1376 Route 9W.

I am on the north side and we still have not come to an agreement. It is a prescriptive driveway and I know I have the 20 foot Right-of-Way between the carwash. I want to make sure that that is going to be exclusive. It is only 8 feet wide. They have not said that it would be exclusive, just for my use only. That is what I want to make sure. You can only fit one car going one way. Two can't fit. They would have to pull over on the side of my property, but if they were coming around the corner, they are going to be up on the rocks. If there is an emergency, then what? I haven't gotten anywhere with that yet with them.

A question was raised by the Chairman to Mr. Kopald concerning the location of the manhole: He asked Mr. Kopald to explain and show the location, indicating that there are no Village sewer lines that go directly into the Hudson River. It was agreed that all lines go to the sewage plant.

Mr. Kopald indicated on the map: "The applicant has chosen not to place it on here, but there is a manhole in this area. The sole and primary line that comes out of the carwash building that goes into the Village sewer line. That was located coming from the carwash

building into the manhole. Where it is now has not been identified but it was not in the manhole. That has been confirmed to be my Mr. Jones from the Village sewer department.” Mr. Kopald asked if the fire department had any comments for the Board at this point. The Chairman will talk to them for clarification.

The Chairman asked if any Board Members had any comments.

A discussion was held as to whether the Public Hearing should be closed or adjourned. Mr. Yanosh again indicated to the Board that the Applicant would be willing to waive the required timeframe if the Board decided to close the Public Hearing this evening.

At 7:32 P. M., a motion was made to Close the Public Hearing.

Motion: Mr. Holt Seconded: Mr. Dyroff Approved

A motion was made to approve the January 15, 2015 Minutes, as amended.

Motion: Dr. Kelly Seconded: Mr. Hunter Approved

COMMUNICATIONS

The County has an upcoming spring seminar.

OLD BUSINESS

320 West 254 Street, LLC Site Plan and Subdivision (Section 7, Block 1, Lot 1.1)

Mr. Yanosh’s Comments included:

- Right-of-Way, Access Easement.
- Possible improvement of access.
- Existing building for parking vehicles.
- Granting of 280A by Board.
- Vehicles parked in the area and number of cars (18 spaces).
- A new sign.
- Warehouse use to be for oil storage.
- Septic system reviewed by Town’s Engineer.
- Snow plowing a private issue.
- Sewer to Highland Falls – manhole.
- SEQRA filled out by the Applicant. Ms. Dotson will assist in review before submittal.
- Stream on the right side (no interference).
- Hours of operation: possibility of 24 hours).
- Trees on their property will remain and they will provide screening.
- Oil and waste – distance to the Hudson River – no impact.
- Pavement for a private road is required by the Town.

Mr. Rider added that the deed contains a Right-of-Way granted by The Sea Partnership. It is not specific as to improvement. They are not required to improve it or prohibit improvement. They are granting them access. He also added that “storage use” is a permitted use in the Business District.

Ms. Dotson’s Comment Letter included:

- Parking, less than an acre, but need for clarification on the Plan.
- Handicapped parking question.
- Note to be put on the plans indicating the two separate accesses.
- Screening required under the Zoning Law. Transitional side yards between residential and commercial. Specify the screening on the plans (the number of old and any new trees).

NEW BUSINESS - None

PUBLIC COMMENT

Nichole Bernicker, 1376 Route 9W.

- Kevin Maher moved rocks and took 3 trees out. That was never open; it was always the other side that was used.
- The north side, little opening they just opened and put in a little dirt road, was grass.
- Trees and boulders were hers.
- Planted another tree that was run over by one of their flat beds.
- Possibility of closing up the 8 foot area.

Mark Lavinski, 1376 Route 9W.

- Stream runs 11-12 months a year.
- Dumpster area.
- East side of steel building accessibility.
- Septic system area access.
- More businesses there.
- Driveway on the north side limited area.
- The road coming from the property is a deceleration lane.
- Topo maps are available to the public.

The Chairman noted this Board has no enforcement ability with regard to the activity on these lots. On the plan that the Board is looking at, they are not accessing the proposed Lot #2 by the entrance used to get to the residence.

The Chairman reported on the Joint Meeting of Town and Village Planning Boards, and Mr. Church that was held on January 29, 2015 concerning Codes.

The Boards are working to update zoning regulations and whether the communities could work with one Code. The necessity for two Codes, one for the Village and one for the Town remains as long as there are two municipalities.

Mr. Hunter added that instead of redoing the old Codes, they are looking at coming up with a new proposal for a new template versus trying to redo or fix the old codes. The ground rules were set and targets and goals were presented.

Dr. Kelly was impressed by the process in that politics were eliminated with the group discussing the Code and enforcement of the Code.

It was noted that both Boards are down a member and that it was advertised in the local paper.

At 8:29 P. M., a motion was made to adjourn the meeting.

Motion: Mr. Hunter Seconded: Mr. Dyroff Approved

Respectfully submitted,

Fran DeWitt, Recording Secretary

**The next Regular Planning Board Meeting is
Thursday, March 19, 2015**

The next Joint Meeting of the Town and Village Planning Boards will be held on Wednesday, February 25, 2015, at 7:00 P. M., in the meeting room at the Village of Highland Falls Village Hall, 303 Main Street, Highland Falls, NY 10928.